

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

THE HILLMAN GROUP, INC.**v.****KEYME, LLC**

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§ **Case No. 2:19-cv-00209-JRG**

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(Lead Case)

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§ **Case No. 2:20-cv-00070-JRG**

§

(Member Case)

**MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 4
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
April 8, 2021**

OPEN: 08:31 AM**ADJOURN: 05:47 PM**

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANT:	See attached.
LAW CLERKS:	Lee Matalon Will Nilsson Tom Derbish
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Andrea Brunson

<u>TIME</u>	<u>MINUTES</u>
08:31 AM	Court opened.
08:31 AM	Exhibits used prior day read into the record.
08:35 AM	Jury entered the courtroom.
08:36 AM	Witness sworn. Direct examination of Mr. Mark O'Neil by Mr. Dacus.
09:07 AM	Cross examination of Mr. Mark O'Neil by Mr. O'Quinn.
09:38 AM	Redirect examination of Mr. Mark O'Neil by Mr. Dacus.
09:44 AM	Recross examination of Mr. Mark O'Neil by Mr. O'Quinn.
09:45 AM	Witness excused by the Court.
09:46 AM	Witness sworn. Direct examination of Dr. Dan Schonfeld by Mr. Pak.
10:03 AM	Jury returned to jury room for morning break.
10:04 AM	Court recessed for morning break.
10:24 AM	Court reconvened.
10:24 AM	Jury returned to courtroom.
10:25 AM	Direct examination of Dr. Dan Schonfeld by Mr. Pak, continued.

<u>TIME</u>	<u>MINUTES</u>
11:34 AM	Cross examination of Dr. Dan Schonfeld by Mr. Findlay.
11:48 AM	Jury excused for lunch break.
11:50 AM	Court recessed for lunch break.
01:12 PM	Court reconvened.
01:12 PM	Jury returned to courtroom.
01:13 PM	Cross examination of Dr. Dan Schonfeld by Mr. Findlay, continued.
01:41 PM	Redirect examination of Dr. Dan Schonfeld by Mr. Pak.
01:58 PM	Recross examination of Dr. Dan Schonfeld by Mr. Findlay.
01:59 PM	Witness dismissed.
01:59 PM	Witness sworn. Direct examination of Dr. David Doermann by Mr. Nelson.
03:08 PM	Jury recessed for afternoon break.
03:10 PM	Court recessed for afternoon break.
03:38 PM	Court reconvened.
03:38 PM	Jury returned to courtroom.
03:39 PM	Cross examination of Dr. David Doermann by Mr. O'Quinn.
03:51 PM	Jury returned to courtroom.
03:52 PM	Bench conference conducted. Mr. O'Quinn for the Plaintiff. Mr. Nelson for the Defendant. Mr. Dacus joined on behalf of Defendant.
04:00 PM	Bench conference concluded.
04:01 PM	Jury returned to courtroom.
04:01 PM	Cross examination of Dr. David Doermann by Mr. O'Quinn, continued.
04:26 PM	Redirect examination of Dr. David Doermann by Mr. Nelson.
04:36 PM	Recross examination of Dr. David Doermann by Mr. O'Quinn.
04:38 PM	Witness dismissed.
04:39 PM	Witness sworn. Direct examination of Dr. Michael Akemann by Mr. Nardinelli.
04:46 PM	Courtroom sealed.
04:46 PM	Direct examination of Dr. Michael Akemann by Mr. Nardinelli, continued.
04:58 PM	Courtroom unsealed
04:58 PM	Direct examination of Dr. Michael Akemann by Mr. Nardinelli, continued.
05:14 PM	Cross examination of Dr. Michael Akemann by Mr. Findlay.
05:26 PM	Redirect examination of Dr. Michael Akemann by Mr. Nardinelli.
05:27 PM	Witness dismissed.
05:27 PM	Defendant rests its case in chief.
05:27 PM	Court instructed Plaintiff to offer rebuttal witnesses tomorrow.
05:28 PM	Jury excused for the day.
05:29 PM	Court asked for status of Plaintiff's rebuttal witnesses: Two will be presented – Dr. Klopp and Dr. Phinney.
05:29 PM	Court addressed those matters presented during the bench conference conducted earlier today. Court instructed that following tomorrow's testimony of the two rebuttal witnesses: (1) the jury will be dismissed for the day; (2) the Court will proceed with hearing argument on Rule 50(a) motions; and (3) the informal charge conference will be conducted. On Monday, the Court will conduct the formal charge conference, and closing arguments will begin thereafter.
05:47 PM	Court adjourned for the day.